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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/669,709   | 09/26/2000  | Randy C. Willig      | P04362              | 5496             |
| 34456  | 7590        | 01/04/2005           |                     | EXAMINER         |
| TOLER & LARSON & ABEL L.L.P.<br>5000 PLAZA ON THE LAKE STE 265<br>AUSTIN, TX 78746 |             |                      | MAIS, MARK A        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2664                |                  |

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/669,709             | WILLIG, RANDY C.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Mark A Mais            | 2664                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 November 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 22-45 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 43-45 is/are allowed.

6) Claim(s) 22-42 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 26, 2004 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-23, 25-26, 30-31, 32, 34-35, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavski et al (USP 6,477,565) in view of Newman et al. (USP 6,757,551).

4. With regard to claims 22-23, 25-26, and 30, Miloslavski et al. discloses a portable device comprising:

a display screen module comprising a display screen (**for example, Fig. 1, display screen of notebook 29, col. 7, line 63**); and

a user control module comprising:

a transceiver (Fig. 1, WAP device 29, col. 5, lines 56-57; *see also* col. 6, lines 3-7 wherein WAP device 29 can be a cell phone, laptop, palm (PDA), pager, etc.; *see also* col. 5, lines 63-67, wherein the transceiver technologies include CDMA, TDMA, and GSM, etc.,) to wirelessly communicate with a base station (Fig. 1, WAP-SP 23 connected to WAP device 29 via wireless link 27, col. 8, lines 4-7; wherein the transceiver transmits IP data packets to the base station (Fig. 1, WAP device 29) and receives IP data packets from the base station (transmits IP packets for at least Internet Protocol Telephony, col. 7, lines 60-63; as well WEB browsing, col. 2, lines 52-67) coupled to a(n IP) network (Fig. 1, Internet network 11, a data packet network, col. 5, lines 15-17); and a controller to:

execute an Internet browser application (WAP-enabled devices, such as WAP device 29 in Fig. 1, employ WEB-browsers, col. 2, lines 52-67) so as to display web page content (WEB pages, col. 5, lines 46-50) on the display screen (for example, Fig. 1, display screen of notebook 29, col. 7, line 63) of the display screen module; and

communicate voice (and WEB page) data with the base station via the transceiver (WAP 29 transmits and receives IP telephone calls, col. 3, lines 31-33; col. 8, lines 37-41; col. 7, lines 60-63; *see also* Fig. 2, WAP III, col. 11, lines 15-24).

Furthermore, WAP 9, when employing IP telephony, must, inherently, have a microphone and speaker, (e.g., a cell phone or a laptop capable of sending and receiving VOIP packets) (Fig. 1, WAP device 29, col. 5, lines 56-57; *see also* col. 6, lines 3-7 wherein WAP device 29 can be a cell phone, laptop, palm (PDA), pager, etc.; *see also* col. 5, lines 63-67, wherein the transceiver technologies include CDMA, TDMA, and GSM, etc.,).

Miloslavski et al. does not specifically disclose a removably attached display screen. However, Newman et al. discloses a personal communicator the combines the functions of a cell phone and a computer (**see Abstract**). More specifically, Newman et al. discloses a user control module (**Figs. 1 and 2, interpreted as the combination of the cell phone 1 and computer 4**) that can access the internet and retrieve e-mail or receive faxes (**col. 4, lines 2-5**). Moreover, Newman et al. discloses a detachable screen (**detachable screen 3, figs. 1 and 2**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the receiver coupled to the controller to a detachable screen because such a modification allows the user to use the appliance more easily and spares the user the inconvenience of carrying around all the separate components (**col. 4, lines 5-10**). Newman et al. also discloses that the user control module contains a microphone and speaker (**Fig. 2, microphone 8 (MIC.) and earpiece 6**).

5. With regard to claims 31-32, 34-35, and 39, Miloslavski et al. discloses a system comprising:

a base station (**Fig. 1, WAP-SP 23 connected to WAP device 29 via wireless link 27, col. 8, lines 4-7; wherein the transceiver transmits IP data packets to the base station (Fig. 1, WAP device 29) and receives IP data packets from the base station (transmits IP packets for at least Internet Protocol Telephony, col. 7, lines 60-63; as well WEB browsing, col. 2, lines 52-67) coupled to a(n IP) network (Fig. 1, Internet network 11, a data packet network, col. 5, lines 15-17)**), and a portable device comprising:  
a display screen module comprising a display screen (**for example, Fig. 1, display screen of notebook 29, col. 7, line 63**); and

a user control module comprising:

a transceiver (Fig. 1, WAP device 29, col. 5, lines 56-57; *see also* col. 6, lines 3-7

wherein WAP device 29 can be a cell phone, laptop, palm (PDA), pager, etc.; *see also* col. 5,

lines 63-67, wherein the transceiver technologies include CDMA, TDMA, and GSM, etc.,)

to wirelessly communicate with the base station (Fig. 1, WAP-SP 23 connected to WAP device

29 via wireless link 27, col. 8, lines 4-7; wherein the transceiver transmits IP data packets to

the base station (Fig. 1, WAP device 29) and receives IP data packets from the base station

(transmits IP packets for at least Internet Protocol Telephony, col. 7, lines 60-63; as well

WEB browsing, col. 2, lines 52-67); and a controller to:

execute an Internet browser application (WAP-enabled devices, such as WAP device 29

in Fig. 1, employ WEB-browsers, col. 2, lines 52-67) so as to display web page content (WEB

pages, col. 5, lines 46-50) on the display screen (for example, Fig. 1, display screen of

notebook 29, col. 7, line 63) of the display screen module; and

communicate voice (and WEB page) data with the base station via the transceiver (WAP

29 transmits and receives IP telephone calls, col. 3, lines 31-33; col. 8, lines 37-41; col. 7,

lines 60-63; *see also* Fig. 2, WAP III, col. 11, lines 15-24).

Furthermore, WAP 9, when employing IP telephony, must, inherently, have a microphone and speaker, (e.g., a cell phone or a laptop capable of sending and receiving VOIP packets) (Fig. 1, WAP device 29, col. 5, lines 56-57; *see also* col. 6, lines 3-7 wherein WAP device 29 can be a cell phone, laptop, palm (PDA), pager, etc.; *see also* col. 5, lines 63-67, wherein the transceiver technologies include CDMA, TDMA, and GSM, etc.).

Miloslavski et al. does not specifically disclose a removably attached display screen.

However, Newman et al. discloses a personal communicator the combines the functions of a cell phone and a computer (**see Abstract**). More specifically, Newman et al. discloses a user control module (**Figs. 1 and 2, interpreted as the combination of the cell phone 1 and computer 4**) that can access the internet and retrieve e-mail or receive faxes (**col. 4, lines 2-5**). Moreover, Newman et al. discloses a detachable screen (**detachable screen 3, figs. 1 and 2**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the transceiver coupled to the controller to a detachable screen because such a modification allows the user to use the appliance more easily and spares the user the inconvenience of carrying around all the separate components (**col. 4, lines 5-10**). Newman et al. also discloses that the user control module contains a microphone and speaker (**Fig. 2, microphone 8 (MIC.) and earpiece 6**).

6. Claims 24, 33, and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavski et al. in view of Newman et al. as applied to claims 22-23, 25-26, 30-31, 32, 34-35, and 39 above, and further in view of Borella et al. (USP 6,587,433).

7. With regard to claims 24, 33, and 42, neither Miloslavski et al. nor Newman et al. specifically disclose establishing a low latency IP connection for transceiving voice over IP data packets between the controller and the base station. However, Borella et al. discloses a voice over IP system over an IP network that utilizes a differentiated quality of service by using the TOS field in the IP header between a VOIP telephone and the IP network for transporting the voice IP

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packets (**col. 8, lines 44-51**). Specifically, Borella et al. discloses that the Internet Protocol uses the TOS field in the IP packet's header to define the type-of-service used for transceiving IP data packets wherein the precedence levels for low latency is known as minimizing delay (**See Tables A and B, col. 8, lines 52-59 and col. 9, lines 1-10, respectively; see also col. 8, line 60-67 and col. 9, lines 11-16; see also TC/IP Illustrated Vol. 1, pages 34-35**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to establish a low latency connection between the controller and the base station to ensure the quality of service associated with voice communications.

8. Claims 27-29 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavski et al. in view of Newman et al. as applied to claims 22-23, 25-26, 30-31, 32, 34-35, and 39 above, further in view of Borella et al. (USP 6,587,433) as applied to claims 3 and 12, and further in view of Newman et al.

9. With regard to claims 27-29, and 36-38, neither Miloslavski et al. nor Newman et al. specifically disclose that a low latency VoIP connection is established when the phone is separated from the display (and that, concurrently, the internet browser application is ceased). Borella et al. discloses that the low latency connection is established by amending the TOS field for minimizing delay. Newman et al. teaches that the separation of the cell phone and the computer is necessarily determined because the mode of each device must be determined before each devices' use (**Specifically, Newman et al. discloses that the personal communicator device can operate in several different modes to include either cell phone or a computer/cell**

**phone/display combination capable of accessing the internet (col. 3, line 27 to col. 4, line 27; see also col. 5, lines 28-35 and lines 48-53).** Newman et al., therefore, teaches that the cell phone separation from the computer is necessary in order to operate in the correct mode for each disclosed device (e.g., cell-phone-only mode) making it obvious that the controller would be able to determine when the display screen is separated because such a determination is necessary for either using the cell phone alone or using it in conjunction with the computer to access the internet (col. 3, lines 32-34)). Thus, Newman et al. must determine when such a VOIP connection is feasible when using the cell phone. For example, when the cell phone is operating as part of an IP cell network for the use of packetized data voice communication (VOIP), the cell phone would automatically establish a low latency connection. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention for the telephone to establish a low latency connection for the VOIP telephone because the cell phone in Newman et al. would detect when it was separated form the screen and/or computer and, therefore, know when to establish the low latency VOIP connection (and, concurrently, ceasing the internet application). Moreover, since Newman et al. already discloses automatically establishing a VoIP connection when the controller is separated from the display screen, it would also have been obvious to resume the execution of the Internet browser application when the controller is reattached to the display screen.

10. Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miloslavski et al. in view of Newman et al. further in view of Borella et al.

11. With regard to claims 40-42, Miloslavski et al. discloses a method comprising:

displaying web page content on a display screen module (**for example, Fig. 1, display screen of notebook 29, col. 7, line 63**) of a portable device **Fig. 1, WAP device 29, col. 5, lines 56-57; see also col. 6, lines 3-7 wherein WAP device 29 can be a cell phone, laptop, palm (PDA), pager, etc.; see also col. 5, lines 63-67, wherein the transceiver technologies include CDMA, TDMA, and GSM, etc.**) when the display screen module is attached to a user control module of the portable device. Newman et al. discloses a user control module (**Figs. 1 and 2, interpreted as the combination of the cell phone 1 and computer 4**) that can access the internet and retrieve e-mail or receive faxes (**col. 4, lines 2-5**). Moreover, Newman et al. discloses a detachable screen (**detachable screen 3, figs. 1 and 2**).

Neither Miloslavski et al. nor Newman et al. specifically disclose that, in response to a determination that the user control module and the display screen are separated, that a low latency VoIP connection is established when the phone is separated from the display and communicated between the portable device and the base station (**Fig. 1, WAP-SP 23 connected to WAP device 29 via wireless link 27, col. 8, lines 4-7; wherein the transceiver transmits IP data packets to said base station (Fig. 1, WAP device 29) and receives IP data packets from said base station (transmits IP packets for at least Internet Protocol Telephony, col. 7, lines 60-63; as well WEB browsing, col. 2, lines 52-67) wirelessly coupled to the portable device (via a RF transceiver, Fig. 1, WAP device 29, col. 5, lines 56-57; see also col. 6, lines 3-7 wherein WAP device 29 can be a cell phone, laptop, palm (PDA), pager, etc.; see also col. 5, lines 63-67, wherein the transceiver technologies include CDMA, TDMA, and GSM, etc.)**) and that, concurrently, the internet browser application is ceased. Borella et al. discloses that the

low latency connection is established by amending the TOS field for minimizing delay. Newman et al. teaches that the separation of the cell phone and the computer is necessarily determined because the mode of each device must be determined before each devices' use (**Specifically, Newman et al. discloses that the personal communicator device can operate in several different modes to include either cell phone or a computer/cell phone/display combination capable of accessing the internet (col. 3, line 27 to col. 4, line 27; see also col. 5, lines 28-35 and lines 48-53).** Newman et al., therefore, teaches that the cell phone separation from the computer is necessary in order to operate in the correct mode for each disclosed device (e.g., cell-phone-only mode) making it obvious that the controller would be able to determine when the display screen is separated because such a determination is necessary for either using the cell phone alone or using it in conjunction with the computer to access the internet (col. 3, lines 32-34)). Thus, Newman et al. must determine when such a voice packet connection is feasible when using the cell phone. For example, when the cell phone is operating as part of an IP cell network for the use of packetized data voice communication (VOIP), the cell phone would automatically establish a low latency connection. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention for the telephone to establish a low latency connection for the VOIP telephone because the cell phone in Newman et al. would detect when it was separated from the screen and/or computer and, therefore, know when to establish the low latency VOIP connection (and, concurrently, ceasing the internet application). Moreover, since Newman et al. already discloses automatically establishing a VoIP connection when the controller is separated from the display screen, it would also have been obvious to resume the execution of the Internet browser application when the controller is

reattached to the display screen to display web page content.

***Allowable Subject Matter***

12. Claims 43-45 are allowed.

13. The following is a statement of reasons for the indication of allowable subject matter:

The Examiner has not found a wireless communication device (cell phone) which is detachable from a display screen, communicates with a base station coupled to a network, executes a browser and displays web content on the display screen when attached to the screen, and, after determining that the screen is detached from the wireless communication device, sends a special packet to the base station wherein the special packet (1) establishes a low latency connection and (2) includes an indicator via differentiated services (using the TOS byte in the IP packet, also known as the differentiated services code point (DSCP)) to the base station to give priority to incoming packets having voice data between that base station and the wireless communication device.

***Response to Amendment/Arguments***

14. Applicant's arguments filed November 26, 2004 have been fully considered but they are not persuasive.
15. Applicant argues that the USPTO ("the Office") fails to disclose the subject matter in the parent application (US Patent Application 09/443,024) from which Newman (USP 6,757,551) claims 35 USC 120 priority from. US Patent Application 09/443,024 is enclosed.
16. US Patent Application 09/443,024 discloses a personal communicator that combines the functions of a cell phone and a computer (**see Abstract**). Specifically, US Patent Application 09/443,024 discloses a user control module (**Figs. 1 and 2, interpreted as the combination of the cell phone 1 and computer 4**) that can access the internet and retrieve e-mail or receive faxes (**page 5, lines 16-18**). Moreover, US Patent Application 09/443,024 discloses a detachable screen (**detachable screen 3, figs. 1 and 2**); that the detachable screen spares the user the inconvenience of carrying around all the separate components (**page 5, lines 18-22**); and that user control module contains a microphone and speaker (**Fig. 2, microphone 8 (MIC.) and earpiece 6**).
17. Furthermore, US Patent Application 09/443,024 teaches that the separation of the cell phone and the computer is necessarily determined because the mode of each device must be determined before each devices' use. US Patent Application 09/443,024 discloses that the personal

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communicator device can operate in several different modes to include either cell phone or a computer/cell phone/display combination capable of accessing the internet (**page 4, line 14 to page 6, line 8; see also page 8, lines 4-9 and lines 18-22**). US Patent Application 09/443,024, therefore, teaches that the cell phone separation from the computer is necessary in order to operate in the correct mode for each disclosed device (e.g., cell-phone-only mode) making it obvious that the controller would be able to determine when the display screen is separated because such a determination is necessary for either using the cell phone alone (**page 4, lines 14-17 and line 20 (“1. communication module”) or using it in conjunction with the computer to access the internet (page 4, lines 19-22; page 6, lines 3-6 and 18-20)**).

18. Accordingly, the Office has met its burden of establishing that the parent application of Newman et al., US Patent Application 09/443,024, discloses the subject matter upon which Newman et al. claims 35 USC 120 priority.

### *Conclusion*

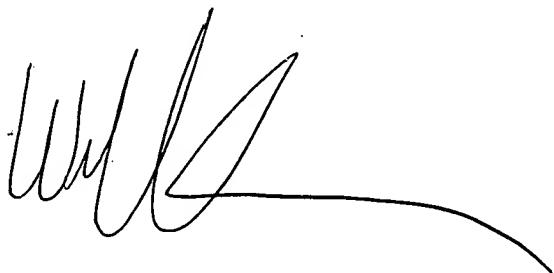
19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Mais whose telephone number is (571) 272-3138. The examiner can normally be reached on 6:00-4:30.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 14, 2004

A handwritten signature consisting of several loops and curves, appearing to be written in black ink.